

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE  
May 29, 2014 Session

**CALVIN EUGENE BRYANT v. STATE OF TENNESSEE**

**Appeal by Permission from the Court of Criminal Appeals  
Criminal Court for Davidson County  
No. 2008B1478 Steve R. Dozier, Judge**

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**No. M2012-01560-SC-R11-PC – Filed March 13, 2015**

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CORNELIA A. CLARK, J., concurring in part and concurring in result.

I concur with the lead opinion’s conclusion that trial counsel’s failure to request an instruction on facilitation did not amount to deficient performance. Because the petitioner has failed to establish deficient performance, I also agree with the lead opinion’s conclusion that the petitioner is not entitled to relief on his claim of ineffective assistance of counsel. Having so concluded, I decline to join Section B of the lead opinion, which addresses the prejudice prong of the petitioner’s ineffective assistance of counsel claim. I reserve decision on the issue of the proper prejudice analysis for an appeal in which it is squarely presented. Goad v. State, 938 S.W.2d 363, 370 (Tenn. 1996) (recognizing that a court need not address both prongs of a petitioner’s ineffective assistance of counsel claim when the court concludes that the petitioner has failed to establish either deficient performance or prejudice).

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CORNELIA A. CLARK, JUSTICE